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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,153	06/25/2003	Angelo Tortola	TKC	3553

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EXAMINER
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PERVAN, MICHAEL

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/606,153

Applicant(s)

TORTOLA, ANGELO

Examiner

Michael Pervan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In regards to claim 1, "each display device consisting of" is not supported by the specification. Even though page 4, lines 6-18 and page4, line 28-page 5, line 4 refer to display device including a display unit, a display controller, a receiver and a power supply, since a display device has more than these elements to say that it consists of just said elements would not allow the device to operate, therefore it is unclear from the applicant's disclosure as to what the display device includes.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-4, 6-8, 12 and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Nahi et al (US 6,084,584).

In regards to claim 1, Nahi discloses a remote display system suitable for transmitting a data output signal for providing a display at a remote location, a remote display system comprising: a base station, including; a computer for providing the data output signal (see Figure 1 and col. 6, lines 18-23), a control processor (CPU) for converting the data output signal into a control and data interface radio frequency (RF) signal (see Figure 1 and col. 6, lines 23-28) and a RF transmitter (transceiver) for broadcasting said control and data interface RF signal (see Figure 1 and col. 6, lines 56-63) and at least one display device, including; a RF receiver (transceiver 88) for receiving said control and data interface RF signal (see Figures 1, 3 and col. 3, lines 23-31), a display controller (72, 76) for converting said control and data interface RF signal into the data output signal (see Figure 3 and col. 10, lines 62-65), a power supply (power controller 70) (Fig. 3); and a display unit (32) for providing a display corresponding to the data output signal (see Figures 1, 2A and 3 and col. 7, lines 64-66).

In regards to claim 2, Nahi discloses a control and data interface RF signal comprising display information (see Figure 1 and col. 3, lines 59-68; col. 4, lines 1-21; col. 7, lines 19-25; since the host computer is running the operating system and the tablets can operate the host computer without a physical connection there must be some visual representation on the tablet's LCD in order for the user to operate it).

In regards to claim 3, Nahi discloses display information being generated by the host computer (see Figure 1 and col. 4, lines 9-21; col. 7, lines 19-25; since the host computer is running the operating system and the tablets can operate the host computer without a physical connection the host computer must generate the signal and then send it to the tablet).

In regards to claim 4, Nahi discloses display information obtained from at least one of a remote server and a remote operator via the internet (see Figure 1 and col. 7, lines 33-40).

In regards to claim 6, Nahi discloses RF transmitter (transceiver) and receiver (transceiver) each operating at a frequency comprising a member of the group consisting of a 400 and 900 MHz band (col. 6, lines 61-63; the wireless transceivers must be of the RF type since a low-power 900 MHz frequency is implemented).

In regards to claim 7, Nahi discloses a RF receiver (transceiver) powered by a battery (col. 9, lines 27-29; since the tablet houses a transceiver and the tablet is powered by a battery it is therefore inherent that the transceiver is also powered by the battery).

In regards to claim 8, Nahi discloses a display unit comprising of a LCD (col. 7, lines 64-65).

In regards to claim 12, Nahi discloses a display device comprising a touch screen for providing feedback from a user (col. 10, lines 66-67 and col. 11, line 1).

In regards to claims 14-20, it claims method steps paralleled to the structural means cited in claim 1, 6, 12, 11, 12, 12, 4 respectively and are therefore rejected for

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the same reasons, see MPEP 2112.02 *In re King* ("When the prior art device is the same as a device described in the specification for carrying out the claimed method, it can be assumed the device will inherently perform the claimed process").

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 9-10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nahi et al., hereafter referred to as Nahi, (US 6,084,584) in view of Axler et al., hereafter referred to as Axler (US 5,305,197).

In regards to claim 5, Nahi does not disclose display information comprising at least one of an advertisement, a banner and product data.

Axler discloses display information comprising at least one of an advertisement, a banner and product data (col. 4, lines 22-24 and 46-53; the scroll sign acts as a banner since sign programming data is sent to it, the signal contains banner data). It would have been obvious at the time of invention to modify Nahi with the teachings of Axler because it would allow a user to purchase a product or find the new product or price of the product on the hand-held device.

In regards to claim 9, it includes all of the limitations of claim 1, but also further limits by adding a duplex signal and a single RF software module that includes a controller and RF receiver/transmitter similar to that of claim 1, see claim 1 rejection.

Nahi discloses the use of a duplex signal (bi-directional signal) (col. 6, lines 56-61).

Nahi does not disclose a RF transceiver and controller as one subsystem.

Brieche discloses a RF transceiver and controller as one subsystem (col. 3, lines 54-64).

It would have been obvious at the time of invention to modify Nahi with the teachings of Brieche since power would be conserved.

In regards to claim 10, Nahi does not disclose a display device further comprising a proximity sensor.

Axler does disclose a display device comprising a proximity sensor (col. 4, lines 19-22). It would have been obvious at the time of invention to modify Nahi with the teachings of Axler since it would allow for detection of traffic and consumers in the area.

In regards to claim 11, Nahi does not disclose a controller configured to read signals from a proximity sensor.

Axler discloses a controller configured to read signals from a proximity sensor (see Figure 13). It would have been obvious at the time of invention to modify Nahi with the teachings of Axler because it would allow the controller to keep track of traffic and consumers in the area.

### ***Response to Arguments***

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7. Applicant's arguments filed July 8, 2006 have been fully considered but they are not persuasive.

8. In regards to claim 1, Applicant (on page 10 of argument) argued that Nahi's device comprises transceivers and the device would not be able to operate if the transceiver of the computer (14) only had a transmitter and the display tablet (20) only had a receiver the device would not be able to operate as disclosed by Nahi. Examiner respectfully disagrees.

Nahi discloses a transmitter/receiver (transceiver) with both the computer (14) and the display tablet (20) and would never encounter the situation presented by the applicant. Nahi will always have both elements (transmitter/receiver) and what the applicant has argued is hypothetical. Therefore the argument is moot. Also, the argument contains elements not in the claims. The claims do not limit the base station to only a transmitter or the display device to only a receiver, but merely state "an RF transmitter" and "an RF receiver" respectively, which Nahi discloses along with a receiver and transmitter, respectively.

9. In regards to claim 9, Applicant (on page 8 of argument) argued that Nahi does not disclose a first and second unitary RF software module consisting of a controller and a RF receiver/transmitter, but instead discloses multiple separate components. Examiner respectfully disagrees.

Simply limiting to a module or subsystem does not mean that it is one single part. As can be seen in the applicant's Figure 2, two parts are shown to be included in the RF module, receiver/transmitter (81) and controller (83). Nahi discloses in Figure 3, the RF



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module comprising a controller (26) and transmitter/receiver (conventional analog circuitry).

### **Conclusion**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pervan whose telephone number is (571) 272-0910. The examiner can normally be reached on Monday - Friday between 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571) 272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MVP  
Oct. 30, 2006

AMR A. AWAD  
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read "Amr A. Awad", with a stylized flourish at the end.